PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MAY 13 19 86

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING May 13 A.D., 19 86, IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P, BURNS P, EISBART P,
GiaQUINTA P, HENRY P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT:

COUNCILMAN:, , ,

THE INVOCATION WAS GIVEN BY

THE MINUTES OF THE LAST REGULAR April 22, 19 86,

, 19,

SPECIAL, 19,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

COMMUNICATIONS FROM THE MAYOR

April 24. 1986

To the Common Council
Gentlemen and Mrs. Bradbury:

Today, April 24, 1986, I have approved the following ordinances and resolutions passed by the Common Council at its regular meeting on April 22, 1986.

(Bill No. R-86-04-02)
DECLARATORY RESOLUTION NO. R-31-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 641/642 Growth Avenue, Fort Wayne, Indiana. (Ward Aluminum Castings, Inc., Ward Pattern & Engineering, Inc., Ward Holding Co., Petitioner)

(Bill No. R-86-04-18)
DECLARATORY RESOLUTION NO. R-32-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3700 East Pontiac Street, Fort Wayne, Indiana 46803. (ITT Aerospace/ Optical Division, Petitioner)

(Bill No. R-86-04-30)
RESOLUTION NO. R-33-86

A RESOLUTION adding employees of the Fort Wayne Convention and Visitors Authority to the City of Fort Wayne Public Employees' Retirement Fund

(Bill No. Z-86-02-31)
ZONING MAP ORDINANCE NO. Z-03-86

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-2

(Bill No. R-86-04-09)
RESOLUTION NO. R-34-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, amending the Municipally Funded Low Cost/Spay Neuter Clinic Agreement

(Bill NO. S-86-04-03)
SPECIAL ORDINANCE NO. s-65-86

AN ORDINANCE approving City Utilities Purchase Order #A-53075, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Treaty Company, for the Water Maintenance and Service Department

(Bill No. S-86-04-04)
SPECIAL ORDINANCE NO. S-66-86

AN ORDINANCE approving City Utilities Purchase Orders #A-53066 and #A-53067, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Robinson & Associates, Inc., for the Water Engineering Department

(Bill No. S-86-04-05)
SPECIAL ORDINANCE NO. S-67-86

AN ORDINANCE approving City Utilities Purchase Order #A-53045, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Techmar Company, for the Water Pollution Control Plant

(Bill No. S-86-04-06)
SPECIAL ORDINANCE NO. S-68-86

AN ORDINANCE approving Contract 85-W-5, Cathodic Protection System - Maplecrest Road Elevated Tank, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and the Wallace & Tiernan Division, Pennwalt Corporation

(Bill No. S-86-04-12)
SPECIAL ORDINANCE NO. S-64-86

AN ORDINANCE concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition and construction of water facilities by the municipal waterworks of the City of Fort Wayne, the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue bonds to provide for the cost thereof, matters connected therewith, and repealing ordinances in conflict therewith

(Bill No. G-86-04-13)
GENERAL ORDINANCE NO. G-15-86

AN ORDINANCE amending General Ordinance No. G-27-84, which ordinance amended Special Ordinance No. S-91-82, which ordinance amended General Ordinance No. G-27-78, and amending Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith

(Bill No. G-86-04-10)
GENERAL ORDINANCE NO. G-16-86

AN ORDINANCE REPEALING CHAPTER 24 OF THE FORT WAYNE MUNICIPAL CODE AND SUBSTITUTING AND ENACTING THEREFOR A NEW CHAPTER 24 ENTITLED "SEWERS AND SEWERAGE SYSTEM" FOR THE PURPOSE OF ADJUSTING RATES AND OTHER PROVISIONS SET FORTH THEREIN

(Bill No. R-86-04-29)
RESOLUTION NO. R-35-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana commending Karl Bandemer for his outstanding service as Director of the Economic Development Department

Respectfully yours,

Win Moses, Jr.
Mayor

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

29 April 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-04-24

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of April 196.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-04-24
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

427 & 429 E. Lewis Street

Reason for Project

Establish a soft ice cream store.

Discussion (Including relationship to other Council actions)

21 April 1986 - Public Hearing

Carl McBride, petitioner and owner of the property appeared before the Commission. Mr. McBride stated they intend to establish a soft ice cream shop in this structure if the property is rezoned.

Edith Kenna questioned what was presently on the property.

Mr. McBride stated it was a brick two-story home that has been setting vacant for 5 years.

Edith Kenna questioned what was either side of the property.

Mr. McBride stated that to the east the land was vacant and to the west was business.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Carl & Madeline McBride **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** -adverse impact on area -establish an undesirable precedent
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

28 April 1986 - Business Meeting

A motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present - 7 voted in favor of denial one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 6 March 1986

Projected Completion or Occupancy **Date** 29 April 1986

Fact Sheet Prepared by **Date** 29 April 1986

Patricia Biancaniello

Reviewed by **Date** 29 April 1986

Gary Bretta 29 April 1986

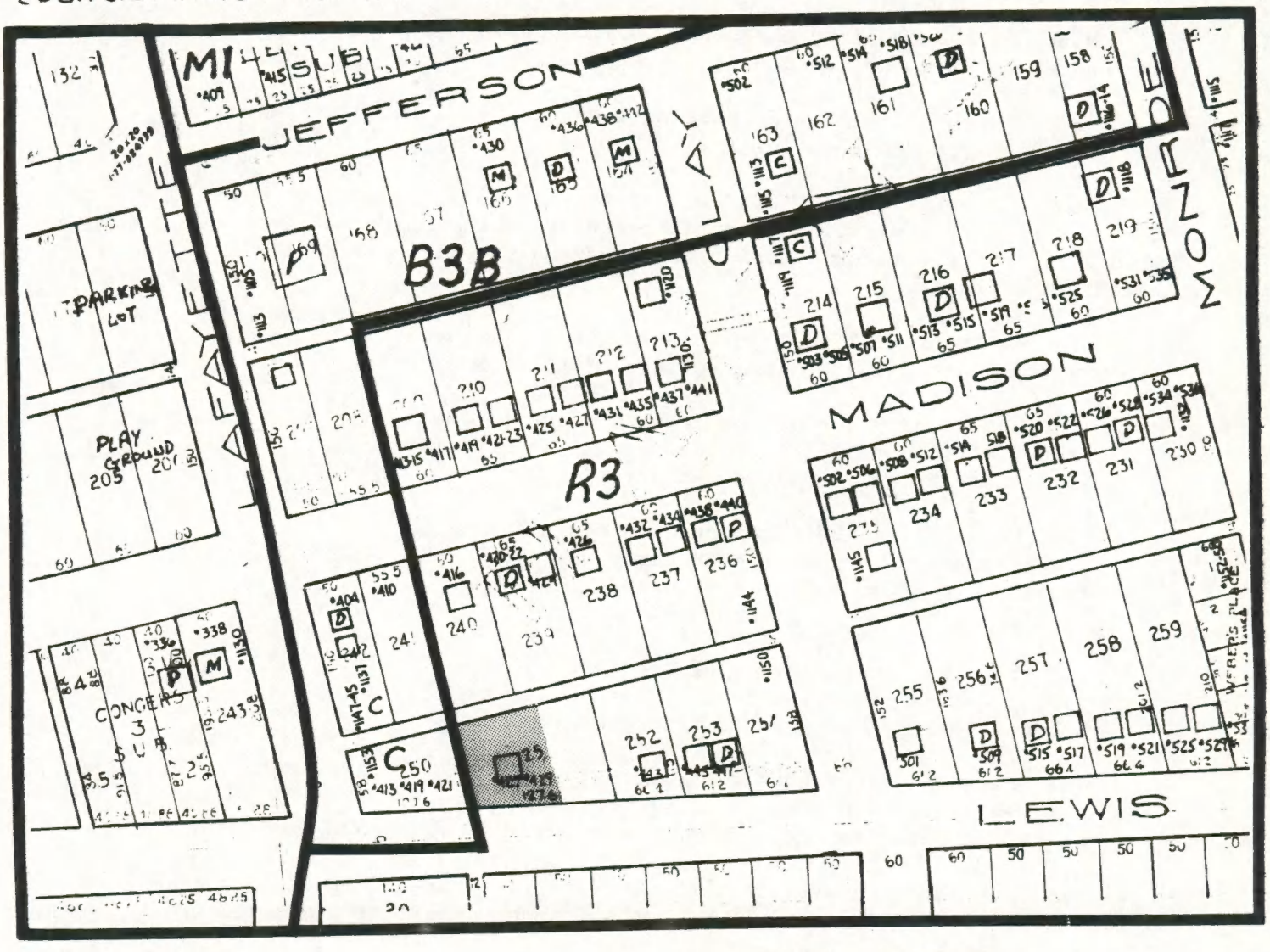
Reference or Case Number

REZONING PETITION #100

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R3 DISTRICT TO A B-3-B DISTRICT.

MAP NO. N-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

R3 RESIDENTIAL DISTRICT
M1 LIGHT INDUSTRY
B3B GENERAL BUSINESS B
B3A GENERAL BUSINESS A

LAND USE:

- ☐ SINGLE FAMILY
- [D] DUPLEX
- [M] MULTI-FAMILY
- [C] COMMERCIAL
- [P] PUBLIC-CHURCH

N

SCALE: 1"=165'

DATE: 4-7-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
29th day of April 1986.

Melvin O. Smith
Secretary

CHANGE OF ZONE # 188

Proposal: Carl & Irene McBride request a rezoning from R3 to B3B

General Information:

Location: 427 & 429 E. Lewis

Legal Description: West 1/2 of Lot 251 Hanna's Addition

Existing Zoning: R-3

Size of Property: Approximately .09 acres

Surrounding Zoning:

North	R3	Residential
South	R3	Residential
East	R3	Residential
West	B3B	Commercial

Reason for request: To establish an ice cream shop

Applicable regulations: An R3 district is primarily residential and does not permit retail uses

Public Utilities: Are available in the area

Physical Characteristics: this parcel is currently developed as a residential structure

Neighborhood Plan: The location of this rezoning petition is within the East Central Neighborhood. The East Central Neighborhood Plan provides policies for land use changes within the neighborhood. The land use policy concerning commercial uses states, "limit the expansion and encroachment of strip commercial and other incompatiable commercial patterns of land use development into residential areas." The implementation measures associated with this policy is, "the Plan Commission and City Council should deny any commercial rezoning requests other than areas designated by the plan and supported by the neighborhood association." The proposed land use for this area , identified in the plan, is residential.

Comprehensive Plan The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatiable with existing and planned land uses and the proposal should not establish an undesirable precedent in the area. There are three

main goals for the Central Area, where this request is located: 1) to maintain existing development; 2) to halt deterioration, and 3) to encourage reinvestment.

Planning Staff Discussion:

Lewis Street is primarily residential, with commercial uses located along the Lafayette Street corridor. The requested zoning (B3B) is a highly intense retail classification that would permit a number of uses that would adversely impact this residential area of Lewis Street.

Commercial usages in this area are better confined to the existing locations on Lafayette Street, thus allowing preservation of residential uses and integrity on Lewis. Approval would encourage commercial encroachment into residential areas, and would set an undesirable precedent.

Recommendation: DO NOT PASS

1) Approval would adversely impact the residential properties along Lewis Street
2) Approval would establish an undesirable precedent, making it difficult to deny similar petitions in the future.
3) Approval would encourage commercial encroachment into residential areas.

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

29 April 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-85-08-40

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of April 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-85-08-40
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

4705 Illinois Road

Reason for Project

To sell property as a business parcel.

Discussion (Including relationship to other Council actions)

This request was originally heard on August 19, 1985. At that time the petitioner's agent, attorney Ralph Blume, stated they were requesting the rezoning in order to sell the property.

At the Business Meeting held August 26, 1985, the request was given a conditional approval:

Conditions:

1) Provide a 40 foot easement along Illinois Road across the entire property frontage for a future road;
2) Provide an agreement to participate in the cost of construction of the frontage road at such time when the city determines it is required.
3) There should be no more than one (1) identification sign. This sign should not be located in the required front yard. The size of the sign not exceed 30 sq. ft., and height not exceed 4 feet.
4) Provide a 25 foot rear yard. No building or parking be located in the rear yard.
5) Submit a landscape plan for the review and approval of the staff of CD&P,

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Dale & Loyd Ecenbarger City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -petitioner did not meet conditions as set by Plan Commission
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for conditior
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

6) Height of building not to exceed 35 foot.

The petitioner was notifiied of the conditional approval and given 6 months in which to comply with said conditions. On March 27, 1986 the petitioner was again notified that the time to satisfy the conditions was up and unless the conditions were satisfied or the staff notified of their intentions to do so, the ordinance would be returned to the Commission for their reconsideration and recommendation of DO NOT PASS. The petitioner nor the agent responded to the notification.

The ordinance was reconsidered by the Plan Commission on April 28, 1986 and given a DO NOT PASS recommendation.

Of the 8 members present - 7 voted in favor of DO NOT PASS, one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** June 17, 1985

Projected Completion or Occupancy **Date** April 29, 1986

Fact Sheet Prepared by **Date** April 29, 1986

Patricia Biancaniello

Reviewed by **Date** April 29, 1986

Gary Barton April 29, 1986

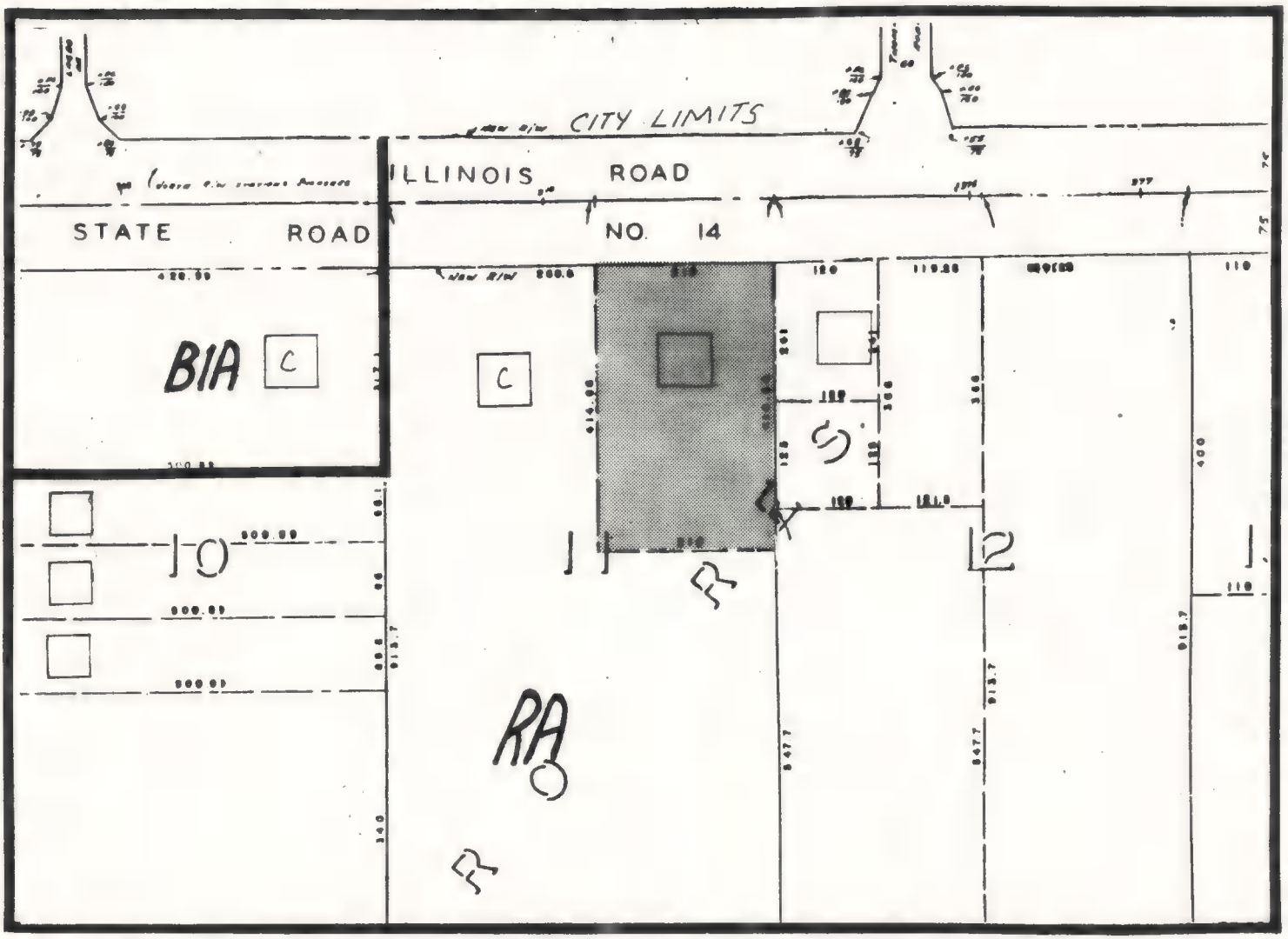
Reference or Case Number

REZONING PETITION #141

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A BIA DISTRICT.

MAP NO. F-2

COUNCILMANIC DISTRICT NO. 4



Zoning:

RA RESIDENCE 'A'
BIA LIMITED BUSINESS 'A'

Land Use:

☐ SINGLE FAMILY
Ⓒ COMMERCIAL

Bill No. Z-85-08-40

NORTH

Scale: 1"=200'

16

Date: 7-30-85

L.W.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-40; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
29th day of April 1986.

Melvin O. Smith
Secretary

Change of Zone #141 6 August 1985

PROPOSAL:

Dale & Loyd Ecenbarger petition for a change of zone from RA to B-1-A.

GENERAL INFORMATION:

Location:	4705 Illinois Road
Legal Description:	See File
Existing Zoning:	RA
Size of Property:	2 Acres - Approximately
Surrounding Land Use & Zoning:	North - County South - RA - Residential East - RA - Residential West - RA & B-1-A
Reason For Request:	Unknown
Applicable Regulations:	RA is primarily a residential desinated area, with a few other uses allowed.

SPECIAL INFORMATION:

Public Utilities:	Available
Physical Characteristics:	N/A
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan states that rezonings and development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area. The goal in the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. The goal in the West Sector, where this request is located, is to contain urban growth within the urban service line.
Neighborhood Planning:	No Comment

Urban Design: No Comment

HANDS: No Comment

Housing Authority: No Comment

SHED: No Comment

PLANNING STAFF DISCUSSION:

Due to the recent Plan Commission polic for this area, this request would comply with the Commission's desires for the area between Apple Glen and Getz Road to be used for business purposes. The Planning Staff will be preparing an amendment to the Comprehensive Plan to reflect Plan Commission's recently adopted land use policy on Illinois Road.

RECOMMENDATION: Conditional Approval

Prior to the change of zone being forwarded to City Council for their action the applicant provide the following:

CONDITIONS:

1) Provide 40 foot easement along Illinois Road across the entire property frontage for a frontage road.

2) Sign an agreement to participate in the cost of construction of the frontage road at such time when the city determines it is required.

3) There should be no more than one (1) identification sign. This sign not be located in the required front yard. The size of sign not exceed 30 sq. ft. and height not exceed 4 feet.

4) Provide a 25 foot rear yard. No buildings or parking be located in the rear yard.

5) Submit a landscape plan for the review and approval of the staff of CD&P.

6) Height of buildings not exceed 35 foot.

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

30 April 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-04-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30thday of April 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-04-21
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

3621 Lake Avenue

Reason for Project

To establish a chiropratic office (with BZA approval).

Discussion (Including relationship to other Council actions)

21 April 1986 - Public Hearing

George Martin disqualified himself.

Tom Felts, attorney for the petitioner stated that Dr. Glenn wished to open a chiropratic office in the structure presently on the property. He stated that the petitioner intends to renovate the present structure and has retained Grinsfelder and Associates to do the architectural work. He stated that this area has been changing from residential to professional and this property would not be out of place as a doctor's office. He stated that the change of use would be more in line with the present character of the area.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Charles Glenn City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

28 April 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of approval - one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 7 March 1986

Projected Completion or Occupancy **Date** 30 April 1986

Fact Sheet Prepared by **Date** 30 April 1986

Patricia Biancaniello

Reviewed by **Date** 30 April 1986

Gary Barta

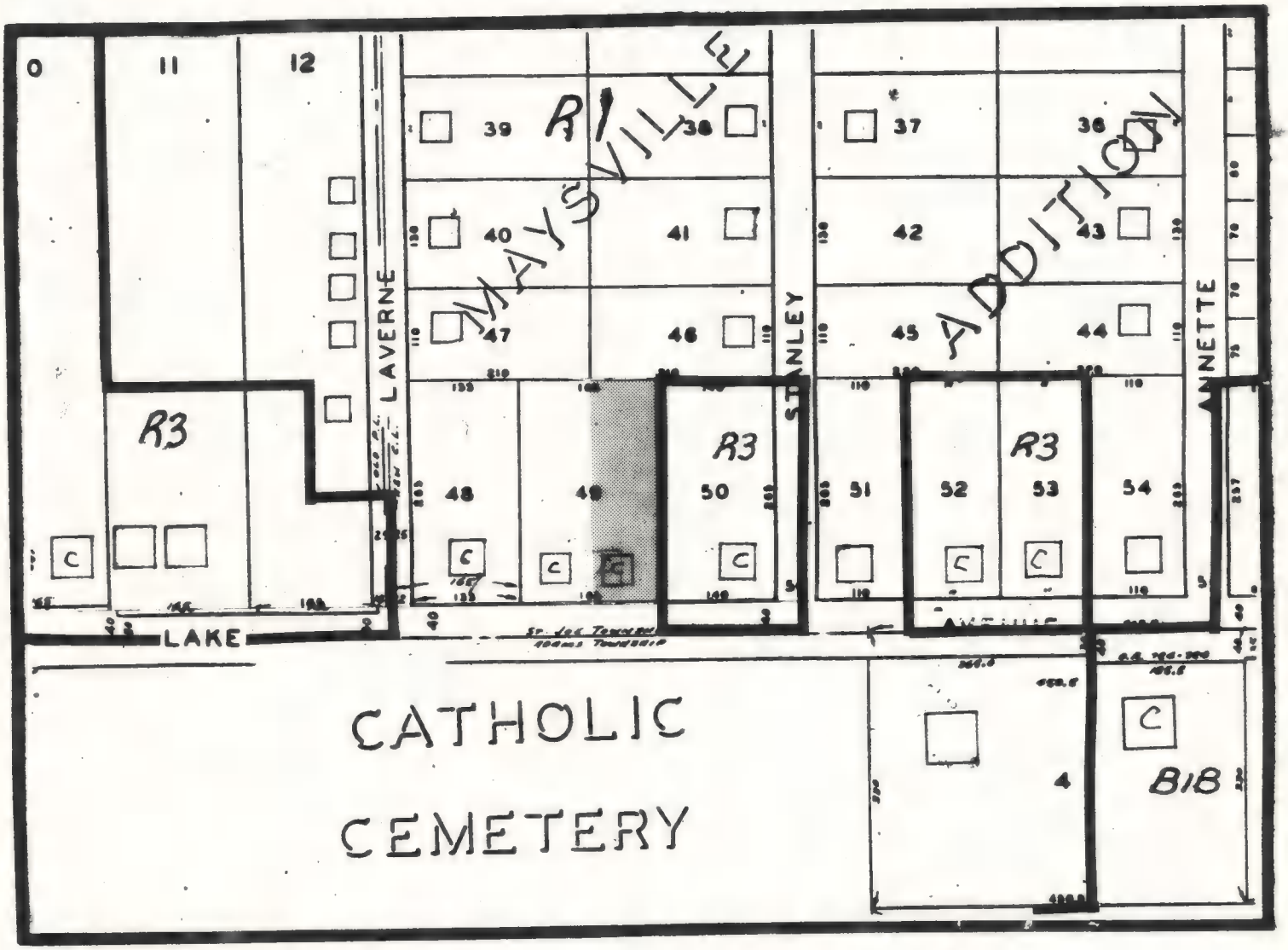
Reference or Case Number 30 April 1986

REZONING PETITION #187

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R1 DISTRICT TO AN R-3 DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'

LAND USE:

□ SINGLE FAMILY
C COMMERCIAL

N

SCALE: 1"=200'

DATE: 4-7-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
30th day of April 1986.

Melvin O. Smith
Secretary

Change of Zone # 189

Proposal: Charles R. Glenn requests a change of zone from R-1 to R-3

General Information:

Location: 3621 Lake Ave.

Legal Description: Lot #49 except the west 1/2 in Maysville Hts.

Existing Zoning: R-1

Size of Property: Approximately 0.5 acres

Surrounding Zoning:

North	R-1	residential
South	R-1	cemetery property
East	R-3	offices
West	R-1	commercial

Reason for request: not stated on petition

Applicable regulations: R-1 is predominately a single family residential district. The R-3 zone could permit an office with BZA approvals.

Public Utilities: are available in the area

Physical Characteristics: There is an existing structure on this parcel.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatiable with existing and planned land uses and the proposal should not establish an undesireable precedent in the area. The goals in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

This section of Lake Ave. has seen numerous offices develop over the years. The area to the south is B-1-B, limited commercial uses, and has an existing cemetery in the R-1 area. The area to the north is residential. Rezoning this parcel to R-3, and the possible future BZA office approval, would assist in providing a logical transition zone for those residential uses.

This request appears to be in the best interest of all concerned, and should serve in the preservation of the area and its residential integrity. The proposed new zoning ordinance

will re-classify these areas as "O-1" Districts.

Recommendation: DO PASS

1) Approval will not adversely impact the area
2) Approval will assist in the providing of a transitional buffer between the residences and limited commercial uses.
3) This section of Lake Ave. is predominately office services and commercial uses and this request is consistent with surrounding uses.

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

30 April 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-04-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of April 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-04-20
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

4715 West Jefferson Bl

Reason for Project

To establish an insurance office (with BZA Approval).

Discussion (Including relationship to other Council actions)

21 April 1986 - Public Hearing

Tom Rayl, realtor, appeared before the Commission for the petitioner. Mr. Rayl stated that the petitioners intend to, if the property is rezoned, to put in a small insurance office. He stated that this property is in an area that is becoming a professional area. He stated that one of the reasons that the property is being sold is because the owners have small children and with the traffic on Jefferson they have determined that the area is not suitable for raising a family.

Edith Kenna questioned if the staff had considered a frontage road for this property.

V.C. Seth pointed out that they require 40 feet from the front of the property and that would place the frontage road in the center of the house.

The property owner of 4625 W. Jefferson appeared before the Commission. He stated that he no longer feels that this

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Anthony Becker City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☒ For ☐ Against Reason Against
Board or Commission Recommendation	By ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

area is conducive for residential use.

Mike Trevino, the property owner stated that had been unable to sell this property while it was listed for residential use.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

28 April 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of approval - one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** March 21 1986

Projected Completion or Occupancy **Date** April 30, 1986

Fact Sheet Prepared by **Date** April 30, 1986

Patricia Biancaniello

Reviewed by **Date** April 30, 1986

Gary Baker

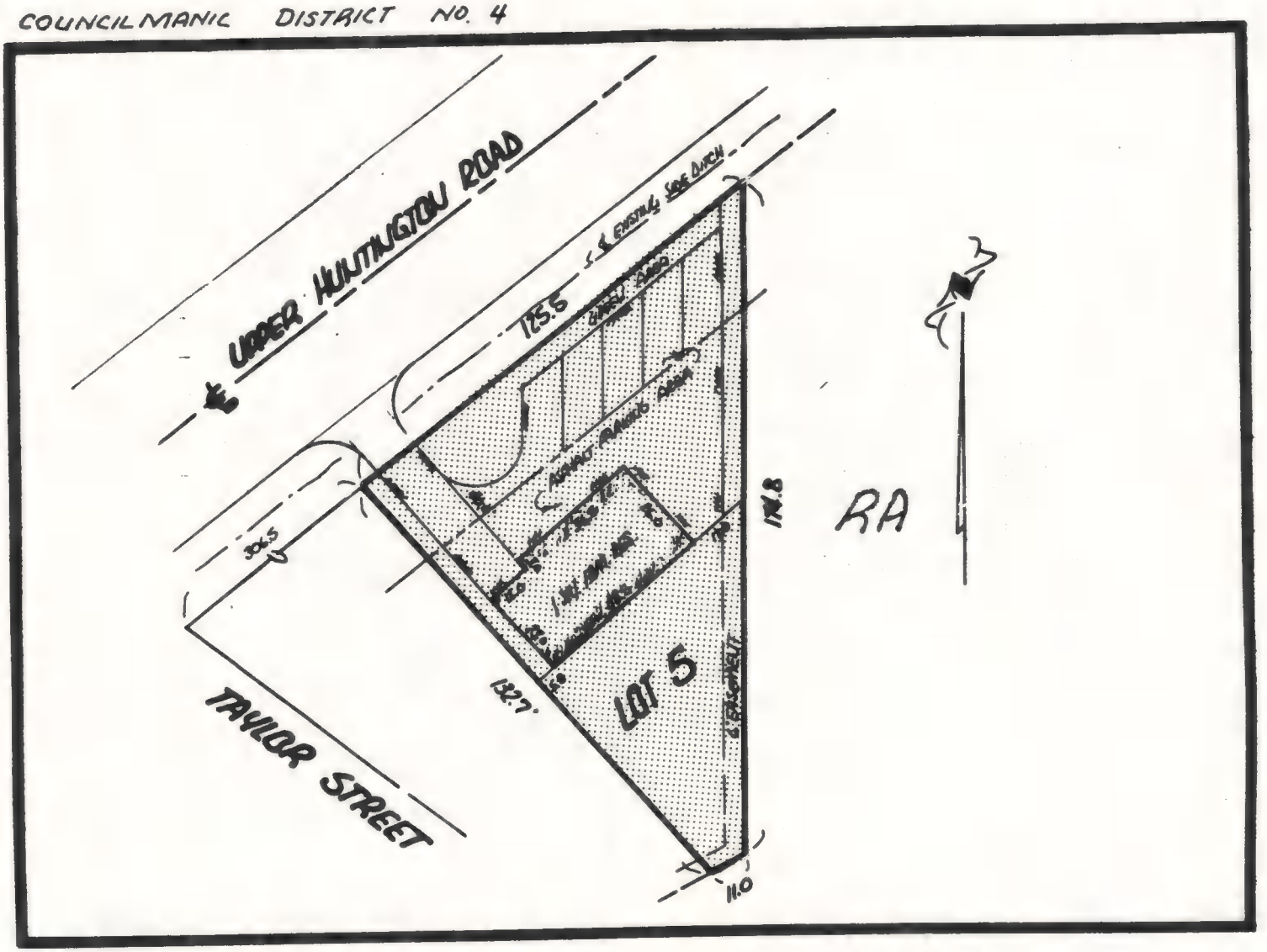
Reference or Case Number April 30, 1986

REZONING PETITION #190

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO AN R-3 DISTRICT.

MAP NO. F-3

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE 'A'

LAND USE:

☐ SINGLE FAMILY

SCALE: NOT TO SCALE

DATE: 4-7-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
30th day of April 1986.

Melvin O. Smith
Secretary

Change of Zone # 190

Proposal: Anthony E. & Linda Becker request a change of zone from RA to R-3

General Information:

Location: 4715 W. Jefferson Blvd.

Legal Description: Lot # 5 Summit Place Amended

Existing Zoning: RA

Size of Property: Approximately .20 acres

Surrounding Zoning:			
	North	RA/R3	Residential & office
	South	RA	Residential
	East	RA	Residential
	West	RA	Residential

Reason for request: for a future office (insurance)

Applicable regulations: R-3 would permit an office with BZA approvals only.

Public Utilities: are available in the area

Physical Characteristics: this property has been developed as a single family residence.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatiable with existing and planned land uses and the proposal should not establish an undesireable precedent in the area. The goal in the West Sector, where this request is located, is to contain urban growth within the urban service line.

Planning Staff Discussion:

The Plan Commission has previously established a policy that would permit residential and office usages in this area. This petition would be a down-zoning with future BZA approval for the actual office use. As the requested zoning and potential use are in keeping with the established policies of the Commission, we have no objection to the petition. However the petitioner should be aware that the BZA would have the right to condition the possible approval, and that certain criteria have been established for this area.

Recommendation: DO PASS

1) Approval would not establish an adverse impact on the area.
2) Approval is in keeping with the established policy of the Plan Commission.

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

30 April 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-04-22

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of April 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-04-22

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

2037 Reed Road

Reason for Project

For use as a barber shop/beauty shop.

Discussion (Including relationship to other Council actions)

21 April 1986 - Public Hearing

William Swift, attorney for the petitioners and titleholders, East State Professional Center stated that they wanted the re-zoning in order to put a barber shop/beauty shop in. Mr. Swift stated they will place a restrictive covenant on the property limiting the use of the property to a barber shop/beauty shop and no other uses permitted in a B-1-A zone would be allowed. Mr. Swift that they did the exact same thing in Georgetown Professional Village. He stated that this complex will continue to be developed into professional offices and a professional center. Mr. Swift stated he did not feel that the use they were requesting was out of character with the Professional Office District. He stated that the building will remain the same, it will look no different than any of the other offices and will have a sign that will meet the code of the district.

George Martin stated he felt this request if granted, could set a bad precedent. He questioned what would prevent the people requesting the rezoning from deviating from the plan once it is rezoned.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** East State Professional Cente **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** -would constitute spot zoning -set an undesirable precedent
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

Mr. Swift stated that they intend to amend the restrictive covenants for the subdivision to allow only for the use of the requested property for a barber shop/ beauty salon and all other uses in a B-1-A would not be allowed. He stated that this is a platted subdivision with recorded covenants.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

28 April 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of denial, one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 25 March 1986

Projected Completion or Occupancy **Date** 30 April 1986

Fact Sheet Prepared by **Date** 30 April 1986

Patricia Biancaniello

Reviewed by **Date** 30 April 1986

Gary Bretton

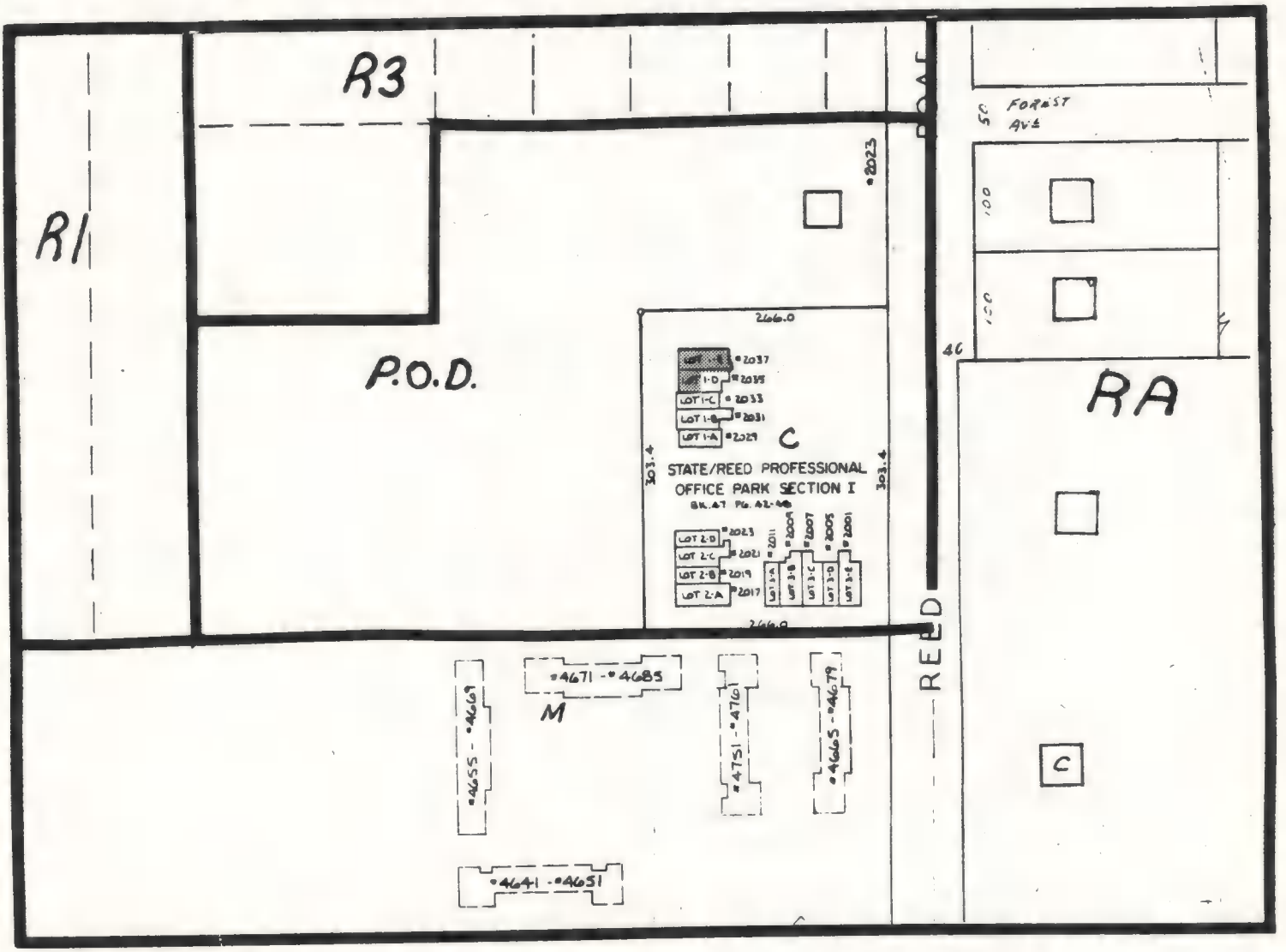
Reference or Case Number 30 April 1986

REZONING PETITION #191

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM A P.O.D. DISTRICT TO A B-1-A DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

P.O.D. PROFESSIONAL OFFICE DISTRICT
RA RESIDENCE 'A'
R3 RESIDENTIAL DISTRICT
R1 RESIDENTIAL DISTRICT

LAND USE:

□ SINGLE FAMILY
M MULTI-FAMILY
C COMMERCIAL

N

SCALE: 1"=165'

DATE: 4-7-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 28 April 1986.

Certified and signed this
30th day of April 1986.

Melvin O. Smith
Secretary

Change of Zone # 191

Proposal: East State Professional Center requests a change of zone from P.O.D. to B-1-A

General information:

Location: 2037 Reed Street

Legal Description: See file

Exisiting Zoning: P.O.D.

Surrounding Zoning:			
	North	POD/R3	office & residential
	South	POD/R3	office & residential
	East	RA	Residential & comm.
	West	POD	offices

Reason for Request: For use as a barber or beauty shop

Applicable regulations: A P.O.D. permits professional office uses only

Public Utilities: are available in the area

Physical Characteristics: This is part of the site of an approved development located amid residential uses.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatiable with existing and planned land uses and should not establish an undesireable precedent in the area. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

The POD designation is designed and used as a transitional area, or as a means to permitting some office uses in an otherwise residential area. Normally the developments permitted in this district are much less commercial in appearance, and can blend into the area due to limited permitted uses and landscape buffering techniques. Rezoning a portion of a designated P.O.D. to a more intense commercial classification would serve to defeat the concepts and purpose of this designation. It would further establish a precedent that would encourage commercial encroachment into non-commercial areas.

The requested zoning is a more intense use category and does not appear to be necessary or appropriate for this area. Approval would establish a 'spot zone' which could adversely impact this area in terms of development changes and traffic

volumes. Approval would establish an undue precedent, and would not be compatiable with the area.

Recommendation: DO NOT PASS

1) Approval would constitute 'spot zoning'
2) Approval would set an undesirable precedent which would encourage simular petitions.
3) Approval would not be in keeping with the Comprehensive Plan, nor with the concepts of the existing classification.

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

30 April 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-04-23

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of April 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-04-23
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

3317-19 & 3325 Broadway

Reason for Project

To expand on a non-conforming use of a transmission repair facility.

Discussion (Including relationship to other Council actions)

21 April 1986 - Public Hearing

William Swift, attorney for the petitioners stated that this property is presently in a commercial area. He stated over the years this property has been used for a number of automotive service type uses. He stated his client presently is using is for a transmission repair shop. He stated that the B-1-B zoning allows for a service station that can do automotive repair as an ancillary use. He stated that that they would be willing to restrict the property, if rezoned, to only B-1-B uses and the transmission service. He stated that rezoning the property to a B-3-B is the only means of expanding the business. He presented the Commission with a petition signed by area residents in support of the rezoning.

The petitioner stated that they were presently using a portion of the lot for the transmission service. He stated that there is a house sitting on the northern most portion of the property and they intend to tear the house down and add three more bays. He stated that the house is in disrepair

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Thelma Lapunka **City Department** **Other**
Opponents	**Groups or Individuals** Marion & Margaret Stettler; Helen Wyss; Gayle Griffith; **Basis of Opposition** Not Given
Staff Recommendation	☐ For ☒ Against **Reason Against** -adverse impact on area -spot zoning
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

and not habitable. He stated that they presently have two bays and an office.

Edith Kenna questioned if they are presently operating under a non-conforming use and how long.

He stated they were and have been for 7 months.

Edith Kenna questioned what was on the property prior to this.

He stated a truck repair service.

Edith Kenna questioned if they were planning to lanscape and what their hours of operation were.

The petitioner stated that they intended to landscape and their hours were presently 8 to 5:30. He stated they do not do evening work.

Edith Kenna read into the record statements of opposition from the following: Marion & Margaret Stettler, 1221 W. Packard Street; Helen Wyss, 3305 Broadway; Gayle Griffith, 3306 Broadway; Virgil McFadden, 3310 Broadway; John Rosencrans, 3309 Broadway and Betty Harter, 3306 Broadway.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 April 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation,

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

motion carried.

Of the 8 members present, 7 voted in favor of denial, one did not vote.

m

Project Start **Date** 14 February 1986

Projected Completion or Occupancy **Date** 30 April 1986

Fact Sheet Prepared by **Date** 30 April 1986

Patricia Biancaniello

Reviewed by **Date** 30 April 1986

Gary Baetz 30 April 1986

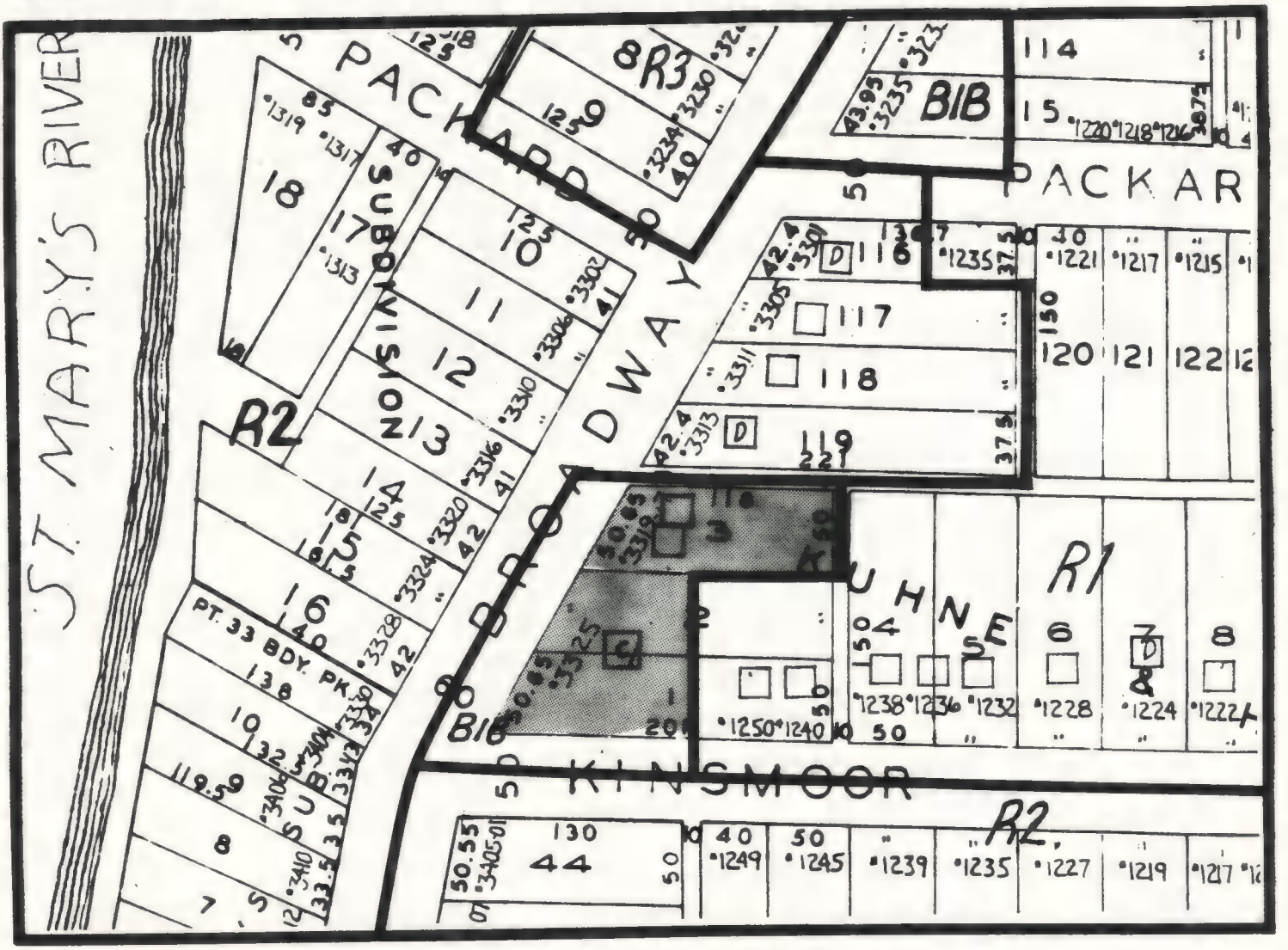
Reference or Case Number

REZONING PETITION #186

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN BIB DISTRICT TO A B3B DISTRICT

MAP NO. K-7

COUNCILMANIC DISTRICT NO. 5



ZONING:

- BIB LIMITED BUSINESS B
- R1 RESIDENTIAL DISTRICT
- R2 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT

LAND USE:

- □ SINGLE FAMILY
- [D] DUPLEX
- [C] COMMERCIAL

L.W.

N

SCALE: 1"=100'

DATE: 2-27-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
30 day of April 1986.

Melvin O. Smith
Secretary

Change of Zone #186 17 March 1986

PROPOSAL: Summit Transmission petitions for a change of zone from B-1-B to B-3-B.

GENERAL INFORMATION:

Location:	3317-19-25 Broadway
Legal Description:	South 1/2 of Lot #3 in Kuhne & Heaton Addition; East 69 1/2 feet of Lots 1 and 2 Kuhne & Heaton Addition and the North 1/2 of Lot 3 in Kuhne and Heaton Addition.
Existing Zoning:	B-1-B
Size of Property:	.37 acres ±
Surrounding Land Use & Zoning:	North - R-2 - Residential South - R-2 - Residential East - R-1 - Residential West - R-2 - Residential
Reason For Request:	Not stated.
Applicable Regulations:	B-1-B is a limited business designation which permits over 90 lower intensity uses.

SPECIAL INFORMATION:

Public Utilities:	Available
Physical Characteristics:	This area is developed primarily as residential.
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ringe, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Planning:	No Comment
Urban Design:	No Comment
HANDS:	No Comment
Housing Authority:	No Comment
SHED:	No Comment

PLANNING STAFF DISCUSSION:

The petitioned area is approximately one block away from similar districts to the north or south. The Comprehensive Plan indicates that this area should be developed residentially with commercial development to the north, thereby maintaining residential integrity and encouraging reinvestment in the housing stock. The petitioned property has been developed in a limited commercial manner for some time, and it would be difficult to revert to residential uses.

The requested B-3-B designation is a more intense commercial classification. It would permit a number of additional uses included used car sales lots, nightclubs, and various service shops.

The present zoning classification is already more intense that the immediate surrounding area. The nearest B-3-B designation is north of Creighton, over 10 blocks away. Approval would set an undesirable precedent, encouraging additional rezonings and detracting from the residential integrity of the area.

RECOMMENDATION: Denial

1) Approval would adversely impact the surrounding residential area.
2) Approval would constitute "spot zoning".
3) Approval would encourage commercial intensification in opposition to the Comprehensive Plan.

Sam Talarico
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 64/86/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Lawrence D. Consalvos

Lawrence D. Consalvos, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 64/86 /E)

I hereby certify that I did this 22nd day of April, 1986 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 64/86 /E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.

J. D. Consalvo

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 64/86/E

(Adopted April 22, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to ONE WAY ALLEY (TEMPORARY) (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 21, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective April 22, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

ONE WAY ALLEY (TEMPORARY) (EMERGENCY)

The Alley Between Stophlet Street and Swinney Street	-- one way eastbound	--from 162' west Broadway to Broadway

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 13th day of May, 19 86 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

_____
SANDRA E. KENNEDY, CITY CLERK